

**REMARKS**

Claims 1-5, 7 and 9-59 are pending in this application. Applicants have amended claims 1, 5, 9, 14, 15, 20, 21, 24 and 29 to reflect amendments made in the parent application, and to further define their invention. Support for the amendment to the urethane based acrylate in these claims, for example, can be found in the present specification at page 8, 3<sup>rd</sup> full paragraph. Support for the amendment to the aluminum oxide particle size can be found in original claim 8, which has been canceled. Support for the amendment to the weight of aluminum oxide (from g/mm<sup>2</sup> to weight percent) can also be found in the as-filed specification. For example, the specification, including Tables 1 and 2, teach weight of alumina (in both weight percent and g/mm<sup>2</sup>), particle size of alumina, and top coat thickness. See e.g., page 4, first full paragraph and Examples on pages 11-16. Accordingly, the weight of alumina now claimed as weight percent is a simple unit conversion from g/mm<sup>2</sup> to weight percent known to one skilled in the art.

Applicants have also added new claims 30-59 to further define their invention. Additional support for the new claims can be found in the originally filed claims and specification. See, e.g., present specification at page 8, 2<sup>nd</sup> full paragraph and page 9, 1<sup>st</sup> full paragraph, as well as original claim 15. Accordingly, new matter has not been added.

Applicants await an action on the merits of this case. Because the pending claims include at least the subject of the claims already allowed by this Examiner in the

parent application (application no. 08/956,022), Applicants expect a timely allowance of the pending claims.

If there are any additional fees due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

Louis Troilo  
Reg. No. 45,284

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Attachment of Amended Claims for:  
Application No.: Continuing Application of 08/956,022

1. (Amended) A resilient surface covering having improved wear and/or stain resistance comprising a wear layer, said wear layer comprising a radiation or electron beam curable urethane based acrylate [containing] and aluminum oxide, wherein said aluminum oxide has an average particle size of about 10 to about 70 microns and is present in an amount up to and including about 40% by weight of said wear layer.

5. (Amended) The surface covering of claim 1, wherein said aluminum oxide is present in an amount of [from about 1 g/m<sup>2</sup> to about 50 g/m<sup>2</sup> of said wear layer] about 1% by weight to about 29% by weight.

9. (Amended) The surface covering of claim [8] 1, wherein said aluminum oxide has an average particle size of [from] about 25 to about 35 microns.

14. (Amended) A method to improve wear and/or stain resistance [to] of a resilient surface covering having a resistant layer, comprising adding [an effective amount] up to about 40% by weight of aluminum oxide to a radiation or electron beam curable urethane based acrylate [top coat layer or outermost] layer, said layer constituting the outermost layer of [a] the resilient surface covering [or adding said

aluminum oxide to a formulation of a urethane based acrylate and forming a top coat layer from said formulation] , wherein said aluminum oxide has an average particle size of about 10 to about 70 microns.

15. (Amended) The method of claim 14, [wherein said aluminum oxide is present in an amount of from about 3 g/m<sup>2</sup> to about 25 g/m<sup>2</sup>] comprising adding aluminum oxide in an amount ranging from about 1% by weight to about 29% by weight of the layer containing said aluminum oxide.

20. (Amended) The method of claim 14, wherein said aluminum oxide has an average particle size of [from] about 25 to about 35 microns.

21. (Amended) A method of making a resilient surface covering having improved wear and/or stain resistance comprising forming a layer comprising a radiation or electron beam curable urethane based acrylate and containing aluminum oxide , wherein said aluminum oxide has an average particle size of about 10 to about 70 microns and is present in an amount up to and including about 40% by weight of said wear layer containing said aluminum oxide.

24. (Amended) The method of claim 21, wherein said aluminum oxide is present in an amount of [from about 3 g/m<sup>2</sup> to about 25 g/m<sup>2</sup>] about 1% by weight to

about 29% by weight of said layer.

29. (Amended) The method of claim 21 wherein said aluminum oxide has an average particle size of [from] about 25 to about 35 microns.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000